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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/696,099  
Filing Date: October 25, 2000  
Appellant(s): ALLAN ET AL.

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Samuel Borodach  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed October 31, 2007 appealing from the Office action mailed March 29, 2007.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences** The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

6,311,165	Coutts et al	10/2001
6,318,536	Korman et al	11/2001
US 2001/0011680	Soltesz et al	8/2001

### **(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-6 and 14-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coutts (6,311,165) in view of Soltesz (2001/0011680).

Coutts discloses the invention substantially as claimed; however, Coutts does not disclose the controller being operable to upload from the transaction units respective run-time interpreted code units for storing in the memory or separately loading executable code for the respective code modules from the associated transaction unit into the memory means of the controller. In order for one to download software, it had to have been uploaded first; otherwise, it would not have been downloaded. Soltesz teaches method and corresponding system for a kiosk capable of handling multiple

transactions comprising a controller operable to upload from the transaction units respective run-time interpreted code units for storing in the memory (p.3, 34) and separately loading executable code for the respective code modules from the associated transaction unit into the memory means of the controller (p.3, 34). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the controller being operable to upload from the transaction units respective run-time interpreted code units for storing in the memory and separately loading executable code for the respective code modules from the associated transaction unit into the memory means of the controller, as taught by Soletsz into the invention disclosed by Coutts, to enable the addition of new units.

Claims 7-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coutts in view of Korman (6,318,536).

Coutts discloses the invention substantially as claimed; however, Coutts does not disclose enabling validation of currency. Korman discloses a method and corresponding system for a multi-transaction machine comprising enabling validation of currency (col.12, lines 10-25). It would have been obvious to one having ordinary skill in the art at the time the system was made to enable currency validation, as taught by Korman into the invention disclosed by Coutts, to prevent fraud.

#### **(10) Response to Argument**

The Appellant argues that neither Coutts nor Soltesz discloses or teaches the retrieved software being used for controlling operations of respective transaction units

within the kiosk the software being retrieved from the transaction units. In response, Soltesz teaches that new programs may be uploaded or downloaded into the device to keep up with new advances in processor, memory, and communications technology (p.3, 34). These programs may be uploaded or downloaded into the kiosk in order to update/control operation of the transaction units within the kiosk. Thus, the Examiner found motivation to combine Soltesz with Coutts as a teaching of updating the technology and enabling the addition of new units.

The Appellant argues that neither Coutts nor Soltesz discloses or teaches a processor that is operable to upload an application from a transaction unit where the application is operable to perform controlling functions for that same transaction unit. In response, Soltesz teaches that new programs may be uploaded or downloaded into the device to keep up with new advances in processor, memory, and communications technology (p.3, 34). These programs may be uploaded or downloaded into the kiosk in order to update/control operation of the transaction units within the kiosk. The application may be operable to perform controlling functions for that same transaction unit.

The Appellant argues neither of the references suggests retrieval of code units from respective transaction units. In response, Soltesz teaches that new programs may be uploaded or downloaded into the device to keep up with new advances in processor, memory, and communications technology (p.3, 34). The code units retrieved from the transaction units in order to process needed updates.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Lalita M. Hamilton, Primary Examiner



LALITA M. HAMILTON  
PRIMARY EXAMINER

Conferees:



Vincent Millin, Appeals Specialist



Alexander Kalinowski, SPE